

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DARRIN WALKER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. 2:05-cv-449

CRIM. NO. 2:02-cr-035

JUDGE GRAHAM

MAGISTRATE JUDGE ABEL

OPINION AND ORDER

On May 23, 2005, the Magistrate Judge issued a *Report and Recommendation* pursuant to Rule 4 of the Rules Governing Section 2255 Proceedings recommending that claims C, D, and E of the instant motion to vacate, set aside, or correct sentence under 28 U.S.C. §2255 be dismissed.¹ On June 2, 2005, petitioner filed objections to the Magistrate Judge's *Report and Recommendation*. Petitioner objects to all of the Magistrate Judge's recommendations. He again raises the same arguments that were previously presented.

Pursuant to 28 U.S.C. 636(b)(1), this Court has conducted a *de novo* review of those portions of the *Report and Recommendation* that are objected to. For the reasons discussed in the *Report and Recommendation*, petitioner's objections are **OVERRULED**.

¹ Respondent was directed to file a Return of Writ as to petitioner's claims A and B. *See* Doc. No. 68. On June 9, 2005, the Return of Writ was filed. Doc. No. 70.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. Claims C, D, and E of the instant §2255 action are hereby **DISMISSED**.

IT IS SO ORDERED.

s/James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: June 14, 2005